UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,391	11/25/2003	Marcus Felipe Fontoura	ARC920030080US1	8873

7590 09/07/2007	**EXAMINER**
Frederick W. Gibb, III	WONG, JOSEPH D
McGinn & Gibb, PLLC	

Suite 304	**ART UNIT** / **PAPER NUMBER**
2568-A Riva Road	
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MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/723,391	FONTOURA ET AL.
	Examiner	Art Unit	
	Joseph D. Wong	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 June 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,13,25 and 37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,13,25 and 37</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claims 1, 13, 25, and 37 are amended. Claims 2-12, 14-24, 26-36 are cancelled.

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 5 June 2007 has been entered.

Response to Arguments

Applicant's arguments with respect to prior art rejections under 35 USC 102(e) have been

carefully considered as rendered moot by new grounds of rejection under 35 USC 103(a) as

necessitated by the instant claim amendment.

The second page of the instant remarks argue that "Lindblad does not teach that the

buffer is external to the index", parser, and processor." This argument does not specify the

degree of externality thus separate pages cited in Brownell are deemed to meet a broadly

interpreted limitation of external.

The argument that the alleged structural difference between the claimed invention is

patentably distinct over Lindblad is incorrect because overcoming a novelty rejection does not

necessarily overcome an obviousness rejection. Since the elements are connected in Fig. 2(a) of

the instant drawings, the arguments do not provide secondary considerations explaining why an

external buffer is somehow not an obvious variation of an integrated buffer since every element

in Fig. 2 is connected in a manner that the outcome has not been differentiated to overcome a

rebuttal analysis that the component is functionally different. The arguments assert that

additional circuitry and space requirements render separation not obvious yet this argument is

not commensurate with the claim because claim does not show the buffer having additional

circuitry and being spatially separate.

Arguments against the prior art of Lindblad are moot by a new ground of rejection under

Brownell.

Accordingly, all pending claims remain rejected under 35 USC 103(a).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1, 13, 25 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lindblad et al., US Pre-Grant Pub. No. 2004/00734541 A1, Filed 13 June 2003, Pub.

Date 15 April 2004, hereinafter Lindblad in view of Brownell, SAX2: Processing XML

Efficiently with Java, January 2002, O'Reilly Press.

Regarding claim 1, Lindblad teaches a method for parsing documents in query

processing, said method comprising:

producing at least one index of a document written in a mark-up language, wherein said

mark-up language comprises any of HTML and XML; (Fig. 1, item 30, Fig. 2A, 2B; see

paragraphs [227], [0129], [0160], [0174]; [7-9], [31-32])

corresponding said index to said document; ([227])

scanning said document using a processor; (Fig. 9, see paragraphs [0129], [0160], [0174])

wherein said instructions match said elements to said query and if said elements do not

match said query, then said parser uses said index to skip the portions of the document

corresponding- to unmatched elements, ([107], [129])

wherein said each of said elements corresponds to a position in said document, wherein

said position comprises an end position, (see paragraph [8-9], [31], [157-158])

saving said textual categories into a buffer, (see paragraphs [82], [104], [130], [226],

[83])

wherein said index uses said end position as a marker for determining- where to resume

scanning- said document upon skipping said portions of said document, ([129], [174])

wherein said elements comprise sub-elements representing- textual sub-categories of

said query, and (see paragraph [82-227])

wherein said sub-elements updates said position in said document upon skipping- said

portions of said document and resuming scanning of said document. (see paragraphs [129],

[174])

Lindblad does not explicitly teach wherein said buffer is external to said index, said

parser, and said processor, using a parser that is external to said index to selectively skip portions

of said document based on instructions from said index, wherein the skipped portions of said

document comprise portions irrelevant to said query, and wherein said index comprises a

plurality of elements representing- textual categories of said query.

However, Brownell teaches wherein said buffer (interpreted to include "buffered in

memory", P. 98, Line 1) is external to said index (interpreted to be separate from "index" shown

in P. 191, Lines 9-15), said parser (interpreted to include "SAX2", P. 2, paragraph 2, which is

software that exists externally to said buffer), and said processor (interpreted to include

"processing instructions" on P. 211 which are external to "buffered in memory" on P. 191;

wherein the degree of externality is interpreted broadly to include slight separation), using a

parser (interpreted to include "SAX2", P. 2, paragraph 2, which is deemed to be software) that is

external to said index to selectively skip portions of said document based on instructions from

said index (interpreted to include "write some code that ignored elements without a big:dog

attribute", P. 62, Lines 1-3), wherein the skipped portions of said document comprise portions

irrelevant to said query, and wherein said index comprises a plurality of elements representing-

textual categories of said query. (P. 62, Lines 1-3)

Lindblad and Brownell are analogous art pertinent to the problem to be solved. A skilled

artisan would have been motivated to combine Lindblad and Brownell because SAX is "an

unobtrusive and extremely effective building block" that "helps scale XML applications" as

discussed in Brownell, P. 2, paragraph 3.

Therefore at the time of invention, it would have been obvious to a person having

ordinary skill in the art to combine Lindblad and Brownell because SAX is "an unobtrusive and

extremely effective building block" that "helps scale XML applications" as suggested in

Brownell, P. 2, paragraph 3.

Additional justifications for choosing SAX are indicated in Brownell on P. 3, paragraph

2 and P. 4, paragraphs 1-2.

Regarding claims 13, 25, and 37 are analyzed and discussed corresponding to the

citations provided supra.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joseph D. Wong whose telephone number is 571-270-1015. The

examiner can normally be reached on Mon.-Thur. 8:30AM - 6:00PM and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tim T. Vo can be reached on (571) 272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph D. Wong   Tim T. Vo
TTV/jdw   SPE, Art Unit 2168

4 September 2007

TIM VO
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